

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ZINO DAVIDOFF SA,

Plaintiffs,

v.

CVS CORPORATION,

Defendant.

06 Civ. _____

**DECLARATION OF MICHAEL JOHN PAVIOUR IN SUPPORT OF
PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

I, Michael John Paviour, hereby declare as follows:

1. I am a private investigator employed as an Operations Executive with Grants International Information & Security Services Ltd, 1 Minton Place, Victoria Road, Bicester, Oxon OX26 6QB, The United Kingdom. My work as a private investigator includes purchasing products that are suspected of infringing legitimate manufacturers' trademarks, trade dress and copyrights.
2. I make this declaration based upon my own personal knowledge.
3. In November 2006, I was engaged by Coty Prestige Lancaster Group GmbH ("Coty Prestige") to purchase samples of DAVIDOFF COOL WATER Eau De Toilette for Men ("COOL WATER EDT") from a third party retailer suspected of selling counterfeit products, which is not a party to this action. While I was undertaking a survey of this third party's stores in Illinois and Michigan, I stopped at a CVS store for a drink, and while there I checked the DAVIDOFF COOL WATER products for sale at CVS. I discovered that the

sample had a production code number that had appeared on other counterfeit products in the past. Accordingly, I checked other CVS stores in the vicinity and purchased a total of seven samples of DAVIDOFF COOL WATER products that I suspected were counterfeits.

4. The 7 samples were purchased from the following CVS stores on the dates and times indicated:

a) CVS, 12720 Archer Road, Lemont, IL 60439. One sample of COOL WATER EDT 75ml purchased at 10:03 a.m. on Wednesday, November 22, 2006 for \$39.86 (including tax). True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit A.

b) CVS, 5360 South Western Avenue, Chicago, IL 60609. One sample of COOL WATER EDT 75ml purchased at 8:53 a.m. on Thursday November 23, 2006 for \$40.32 (including tax). True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit B.

c) CVS, 15240 Southfield Road, Allen, MI 48101. One sample of COOL WATER EDT 75ml purchased at 10:42 a.m. on Friday, November 24, 2006 for \$43.45 (including tax). True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit C.

d) CVS, 125 East Long Lake Road, Troy, MI 48098. Two samples of COOL WATER EDT 75ml purchased at 9:42 a.m. on Saturday, November 25, 2006 for \$86.90 (including tax). True and correct copies of the receipt for this transaction and

photographs of the samples purchased are attached as Exhibit D.

e) CVS, 31250 Beck Road, Novi, MI 48375. Two samples of COOL WATER EDT 75ml purchased at 2:26 p.m. on Sunday, 26th November 2006 for \$39.86 (including tax). True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit E.

5. I know from my work for Coty Prestige that each piece of COOL WATER EDT 75ml bears a unique production number. I suspected that the samples I purchased at CVS were counterfeit because the production numbers were not unique and the same numbers had appeared on COOL WATER EDT counterfeit products obtained by Coty Prestige from other sources.

6. I am aware that my firm previously found counterfeit COOL WATER EDT 75ml in CVS, was on 28th August 2005, when my colleague, Ian Shirley purchased a sample from a store at 1711 St Andrews Avenue, Fort Lauderdale. Mr. Shirley is submitting a separate declaration concerning this purchase.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: December 20, 2006



Michael John Paviour

EXHIBIT A

38

CVS/pharmacy
Expect something extra™

12720 ARCHER, LEMONT, IL
RX (630)243-3347 STORE:(630)243-3344

REG#01 TRAN#5887 CSHR#578512 STR#3256

1 COOL WATER ED 2.5Z 36.99T

SUBTOTAL	36.99
IL 7.75% TAX	2.87
TOTAL	39.86
CASH	50.00
CHANGE	10.14



5325 6632 6588 7017
RETURNS WITH RECEIPT THRU 01/21/2007

NOVEMBER 22, 2006 10:03 AM

Call 1-800-SHOP-CVS for the
Flu Clinic location nearest you!

SHOP 24 HOURS A DAY AT CVS.COM
THANK YOU FOR SHOPPING WITH US

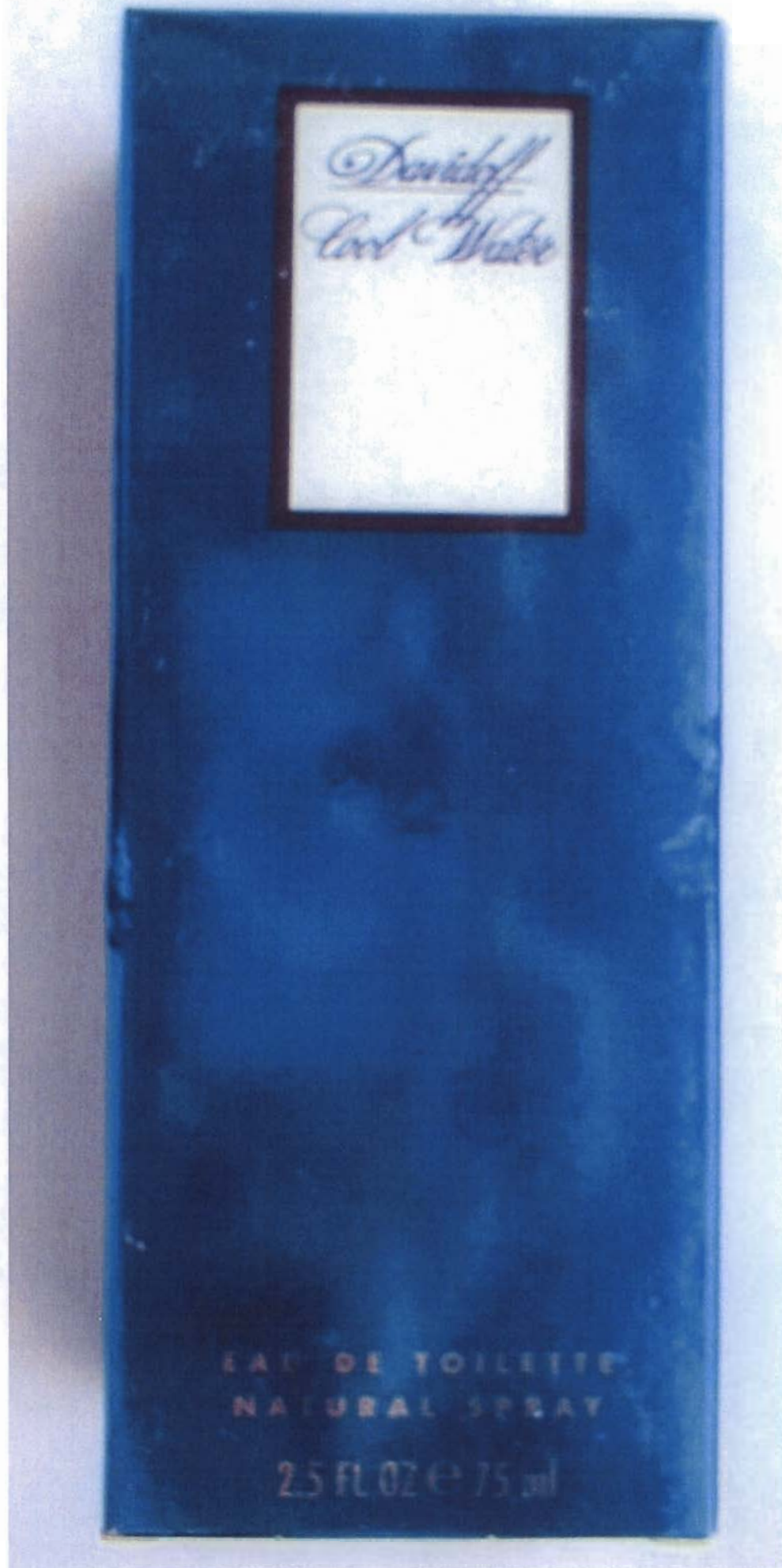
Davidoff
Club White

CVS
12720 ARCHER
LEMONT
ILLINOIS

22/11/06

STO. DE TOILETTE
PARFUMATEUR

250 ml - 8.5 fl. oz.



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414202 000565



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414202 000565

L4 0173289680



34141

EXHIBIT B

37

CVS/pharmacy
Expect something extra™

5360 S. WESTERN AVE., CHICAGO, IL
PHARMACY: 471-3160 STORE: -

REG#09 TRAN#5666 CSHR#558101 STR#7125

1 COOL WATER ED 2.52 36.99T

SUBTOTAL	36.99
IL 9.0% TAX	3.33
TOTAL	40.32
CASH	100.32
CHANGE	60.00



5712 5632 7566 6096
RETURNS WITH RECEIPT THRU 01/22/2007

NOVEMBER 23, 2006 8:53 AM

Call 1-800-SHOP-CVS for the
Flu Clinic location nearest you!

SHOP 24 HOURS A DAY AT CVS.COM
THANK YOU FOR SHOPPING WITH US

CVS

5360 S WESTERN AVE
CHICAGO

ILLINOIS

23/11/06

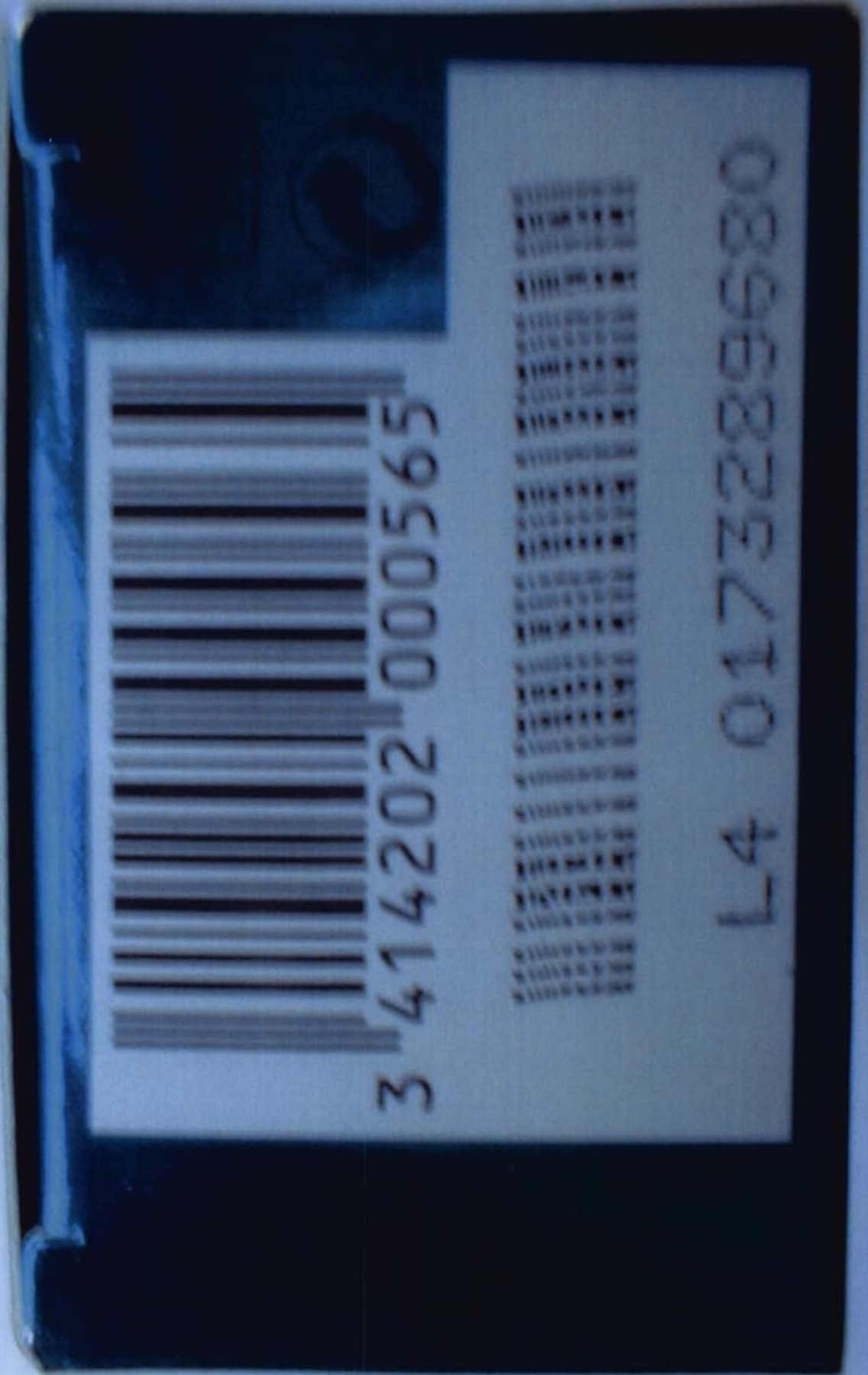




EXHIBIT C

36

CVS/pharmacy

Expect something extra™

15240 SOUTHFIELD, ALLEN PARK, MI
 PHARMACY: 382-7265 STORE: 382-7387

REG#03 TRANSID53 CSHR#53352 SIRM8181

CARD #: *****0719

1 COOL WATER EG 2 5Z 40.991

SUBTOTAL	40.99
MI 6.0% TAX	2.46
TOTAL	43.45
CASH	100.05
CHANGE	56.60



5818 1632 8106 5037
 RETURNS WITH RECEIPT THRU 01/23/2007

NOVEMBER 24, 2006 10:42 AM

ExtraCare balances as of 11/22

Year to Date Savings 761.37

FALL 2006 SPENDING:	747.75
HERSHEY CANDY BARS YTD TOTAL:	32
AMERICAN GREEKINGS YTD TOTAL:	29
PHOTO ROLL TOTAL YTD:	17
HALLMARK YTD TOTAL:	1

HAPPY HOLIDAYS FROM CVS.COM!
 EARN TRIPLE EXTRA BUCKS EVERY TIME
 YOU SHOP ONLINE AT CVS.COM. PLUS
 FREE SHIPPING ON ORDERS OVER \$49,
 NOW THRU 12/8/06. SEE SITE FOR DETAILS

Now open at 7:00 AM. Pharmacy
 open at 8:00 AM Monday through
 Saturday and 10:00 AM on Sunday.

SHOP 24 HOURS A DAY AT CVS.COM
 THANK YOU FOR SHOPPING WITH US

CUS
15240 SOUTHFIELD
ALLEN PARK
MICHIGAN

2411106

Davidoff
Cool Water

EAU DE TOILETTE
VAPORISATEUR

2.5 FL OZ (75 ml)

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EXHIBIT D

46

CVS PHARMACY

125 E. LONG LAKE RD, TROY, MI
PHARMACY: 879-9114 STORE: 813-8483

REG#09 TRAN#5286 CSHR#131579 STR#8026

CARD #: *****1509

1 COOL WATER ED 2.5Z	40.99T
1 COOL WATER ED 2.5Z	40.99T

2 ITEMS

SUBTOTAL	81.98
MI 6.0% TAX	4.92
TOTAL	86.90
CASH	100.00
CHANGE	13.10



5802 6632 9528 6099
RETURNS WITH RECEIPT THRU 01/24/2007

NOVEMBER 25, 2006 9:42 AM

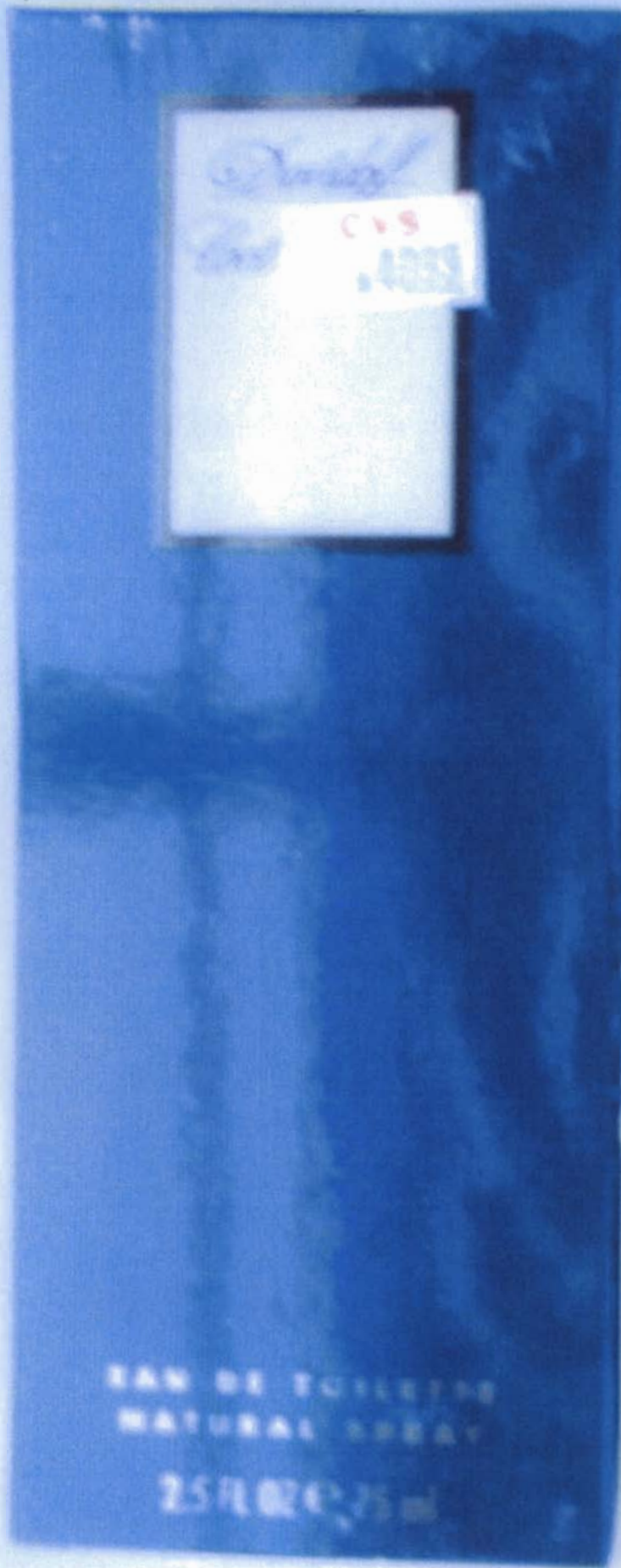
HAPPY HOLIDAYS FROM CVS.COM!
EARN TRIPLE EXTRA BUCKS EVERY TIME
YOU SHOP ONLINE AT CVS.COM, PLUS
FREE SHIPPING ON ORDERS OVER \$49,
NOW THRU 12/8/06. SEE SITE FOR DETAILS

Make a difference
Donate \$1.00 to St. Jude's

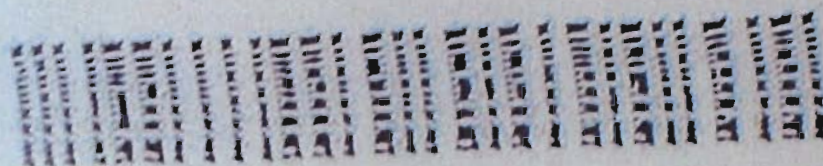
OPEN 24 HOURS 7 DAYS A WEEK
THANK YOU FOR SHOPPING WITH US

CVS
125 E LONG LAKE ROAD
TROY
MICHIGAN 48066

CVS
125 E LONG LAKE ROAD
TROY
MICHIGAN

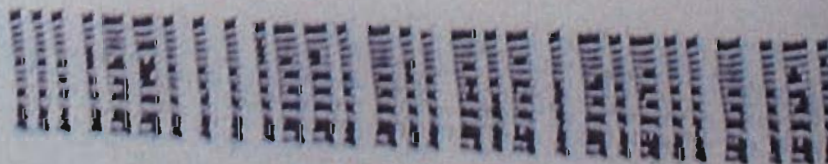


Ce produit ne peut être vendu
que par les dépositaires agréés



L4 0173289680

Ce produit ne peut être vendu
que par les dépositaires agréés



L4 0173289680

EXHIBIT E

48

CVS/pharmacy

Expect something *extra*

31250 BECK ROAD, NOVI, MI
PHARMACY: 624-4110 STORE: 624-4112

REG#03 TRAN#5261 CSHR#201044 STR#8067

1 COOL WATER ED 2.5Z	40.99T
1 COOL WATER ED 2.5Z	40.99T

CARD #: Courtesy Card
EXTRACARE SAVINGS 14.00 -

2 ITEMS

SUBTOTAL	67.98
MI 6.0% TAX	4.08
TOTAL	72.06
CASH	100.06
CHANGE	28.00



5806 7633 0526 1033
RETURNS WITH RECEIPT THRU 01/25/2007

NOVEMBER 26, 2006 2:26 PM

TRIP SUMMARY:

SALE & CLIPFREE CPN SAVINGS 14.00

HAPPY HOLIDAYS FROM CVS.COM!
EARN TRIPLE EXTRA BUCKS EVERY TIME
YOU SHOP ONLINE AT CVS.COM, PLUS
FREE SHIPPING ON ORDERS OVER \$49,
NOW THRU 12/8/06. SEE SITE FOR DETAILS

Now open at 7:00 AM. Pharmacy
open at 8:00 AM Monday through
Saturday and 10:00 AM on Sunday.

SHOP 24 HOURS A DAY AT CVS.COM
THANK YOU FOR SHOPPING WITH US

CVS
31250 Beck Road
Novi
Michigan

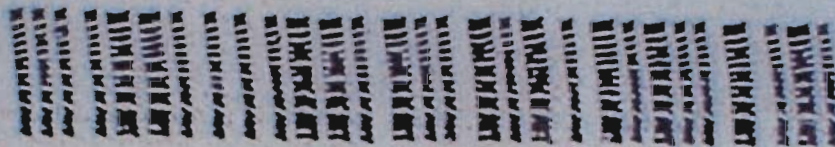
2611106

CVS
31250 Beck Road
Novi
Michigan

2611106



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